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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,965	01/25/2002	Heribert Schmidt	APV31524	8664

7590 06/01/2004

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EXAMINER

CHAPMAN JR, JOHN E

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,965

Applicant(s)

SCHMIDT ET AL.

Examiner

John E Chapman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☒ Claim(s) 1-26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 10/02/01, 3/11/02, and 4/29/02.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This application is in condition for allowance except for the following formal matters:

The disclosure is objected to because it contains numerous idiomatic and grammatical errors and should be carefully revised. Example of such errors are:

Page 10, lines 15-16, "hydrogen surge."

Page 10, line 18, "hydrogen surge."

Page 10, line 21, "[sic-7]".

Page 12, line 7, "with known the density."

Page 13, lines 12-14, the sentence is unclear.

Page 13, line 20, "burdens advantageously."

Page 13, lines 21-24, the sentence is unclear.

Page 15, line 5, "[sic-1]".

Page 16, line 8, "electrode 12" should be --electrode 11--.

Page 16, line 9, "12" should be --11--.

Claims 1-26 are objected to for the following reasons:

Claim 1, line 6, "connected to the electrodes (11, 19, 45) is arranged" should be changed to --is connected to electrodes (11, 19, 45) arranged--.

Claim 3, "which are surrounded by an acid resistant insulation (49)" should modify the "electrode connecting lines" in line 1 and not "the electrodes" in line 2.

Claim 12, line 3, "hydrogen surge" is idiomatic.

Claim 22, line 3, "the temperature sensor" should be --a temperature sensor--.

Claim 23, line 1, "any desired number" should be --a plurality of--.

Claim 24 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 3. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim 26, line 2, "the sleeve tube" should be --a sleeve tube--, and "a temperature sensor-- should be --the temperature sensor--.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. Claims 1-26 are allowable over the prior art. The prior art fails to teach and/or fairly suggest a device for determining the density of an electrolyte comprising a pressure sensor for determining the pressure difference between two immersion tubes submerged with openings at different depths, wherein electrodes are provided in the immersion tubes for generating a gas upon contact with the electrolyte for filling the immersion tubes.

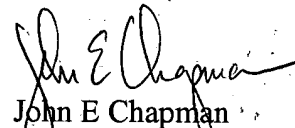
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wilen discloses an apparatus for determining the density of liquids, such as the electrolyte for large lead acid storage batteries, comprising tubes 24 and 26. Rouhani discloses a

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device for indicating the electric charge remaining in batteries comprising a differential pressure gauge 39 for measuring electrolyte density.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John E Chapman whose telephone number is (571) 272-2191. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John E Chapman
Primary Examiner
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